

117TH CONGRESS  
2D SESSION

# H. R. 4772

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IN THE SENATE OF THE UNITED STATES

DECEMBER 5, 2022

Received; read twice and referred to the Committee on Veterans' Affairs

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## AN ACT

To amend title 38, United States Code, to improve the application and review process of the Department of Veterans Affairs for clothing allowance claims submitted by veterans, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

## **1 SECTION 1. SHORT TITLE.**

This Act may be cited as the “Mark O’Brien VA Clothing Allowance Improvement Act”.

**4 SEC. 2. IMPROVEMENTS TO PROCESS OF THE DEPART-**  
**5 MENT OF VETERANS AFFAIRS FOR CLOTHING**  
**6 ALLOWANCE CLAIMS.**

7       (a) PROCESS FOR CLOTHING ALLOWANCE CLAIMS.—  
8 Section 1162 of title 38, United States Code, is amend-  
9 ed—

10 (1) by striking “The Secretary under” and in-  
11 serting:

12        "(a) ELIGIBILITY REQUIREMENTS.—The Secretary,  
13 under";

14 (2) in paragraph (2)—

21 (3) by adding at the end the following new sub-  
22 sections:

“(b) CONTINUOUS NATURE OF PAYMENTS.—Payments made to a veteran under subsection (a) shall continue on an automatically recurring annual basis until the earlier of the following:

1               “(1) The date on which the veteran elects to no  
2 longer receive such payments.

3               “(2) The date on which the Secretary deter-  
4 mines the veteran no longer eligible pursuant to sub-  
5 section (d).

6               “(c) REVIEWS OF CLAIM.—(1) Except as provided in  
7 paragraph (2)(B), the Secretary shall conduct reviews of  
8 the claim on which the clothing allowance is based to de-  
9 termine the continued eligibility of the veteran as follows:

10               “(A) Beginning not earlier than five years after  
11 the date on which a veteran initially receives a cloth-  
12 ing allowance under this section and on a periodic  
13 basis thereafter.

14               “(B) Whenever the Secretary receives notice  
15 that the veteran no longer meets the requirements  
16 specified in subsection (a).

17               “(2)(A) The Secretary shall prescribe in regulations  
18 standards for determining whether a claim for clothing al-  
19 lowance is based on a circumstance that is not subject to  
20 change.

21               “(B) If the Secretary determines, pursuant to such  
22 standards, that a claim for clothing allowance is based on  
23 a circumstance that is not subject to change, paragraph  
24 (1)(A) shall not apply with respect to the claim.

1       “(d) DETERMINATION REGARDING CONTINUED ELI-  
2 GIBILITY.—If the Secretary determines, as the result of  
3 a review of a claim conducted under subsection (c)(1), that  
4 the veteran who submitted such claim no longer meets the  
5 requirements specified in subsection (a), the Secretary  
6 shall—

7           “(1) provide to the veteran notice of such deter-  
8 mination that includes a description of applicable ac-  
9 tions that may be taken following the determination,  
10 including the actions specified in section 5104C of  
11 this title; and

12           “(2) discontinue the clothing allowance based  
13 on such claim.”.

14       (b) APPLICABILITY.—The amendments made by sub-  
15 section (a) shall apply with respect to—

16           (1) claims for clothing allowance submitted on  
17 or after the date of the enactment of this Act; and

18           (2) claims for clothing allowance submitted  
19 prior to the date of the enactment of this Act, if the  
20 veteran who submitted such claim is in receipt of the  
21 clothing allowance as of the date of the enactment  
22 of this Act.

23 **SEC. 3. ADJUSTMENTS OF CERTAIN LOAN FEES.**

24       The loan fee table in section 3729(b)(2) of title 38,  
25 United States Code, is amended by striking “January 14,

1 2031" each place it appears and inserting "January 15,  
2 2031".

3 **SEC. 4. DETERMINATION OF BUDGETARY EFFECTS.**

4 The budgetary effects of this Act, for the purpose of  
5 complying with the Statutory Pay-As-You-Go Act of 2010,  
6 shall be determined by reference to the latest statement  
7 titled "Budgetary Effects of PAYGO Legislation" for this  
8 Act, submitted for printing in the Congressional Record  
9 by the Chairman of the House Budget Committee, pro-  
10 vided that such statement has been submitted prior to the  
11 vote on passage.

Passed the House of Representatives December 1,  
2022.

Attest:

CHERYL L. JOHNSON,

*Clerk.*